

REMARKS

The following remarks are being submitted as a full and complete response to the Office Action dated October 27, 2006. In view of the above amendments and the following remarks, the Examiner is respectfully requested to proceed with examination of the application on the merits, to indicate the allowability of the claims, and to pass this case to issue.

Restriction Requirement

In response to the Examiner's restriction requirement set forth in the above-mentioned Office Action, Applicants hereby elect the continued prosecution of the invention identified as Species I, and as recited in claims 1 and 16-33, without traverse. Applicants understand that all the non-elected species and their corresponding claims are hereby withdrawn from further consideration in this pending application. Applicants hereby reserve the right to file divisional applications on such non-elected inventions.

Status of the Claims

As outlined above, claims 1 and 16-33 stand for consideration in this application, wherein claims 16, 20, 30 and 33 are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention. Claims 34 and 35 stand withdrawn from consideration in this application.

Additional Amendments

The Title of the Invention is being amended to better describe the features of the present invention as claimed. All amendments to the application are fully supported therein. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Formal Objections

The Examiner asserted that the Title of the Invention is not descriptive. Applicants believe that the Title of the Invention meets the requirement of 35 U.S.C. §112 as a whole. 35 U.S.C. §112 does not require the Title be descriptive. However, in order to advance the prosecution of this case, the Title is being amended as set forth above. Applicants do not

intend to limit the scope of the present invention by this amending of the Title of the Invention. Accordingly, withdrawal of this objection is respectfully requested.

The abstract of the disclosure was objected to on the grounds of improper phraseology and format for the Abstract of the Disclosure according to MPEP §608.01(b). Applicants respectfully traverse this objection and the Examiner's requirement for Applicants to amend the abstract. Such an amendment would narrow the technical description of Applicants' abstract. The U. S. Court of Appeal for the Federal Circuit has expressly held in *Hill-Rom Co. v. Kinetic Concepts Inc.*, 209 F.3d 1337, 54 USPQ2d1437 (Fed. Cir. 2000) that the description in an abstract could, would, and did provide a basis for construing the scope of a claim; and this was done to the patentee's disadvantage, i.e., the claim was held narrower than its literal language (even though free of the prior art without that narrowed scope) which resulted, as a consequence, in a holding of non-infringement.

Rule 1.72 (b) and MPEP §608.01(b) sets forth that the abstract may not or should not exceed 150 words in length. However, 35 USC §112 does not expressly limit the range of the words of the abstract. Applicants have properly provided the abstract which meet 35 USC §112. Amendment of the abstract to meet the word ranges of 50 to 150 words would be interpreted to narrow Applicants' claims, as a consequence of *Hill-Rom*, whereby the claims would no longer reflect "the subject matter which the applicant regards as his invention," in derogation of 35 USC §112, ¶2.

Claim

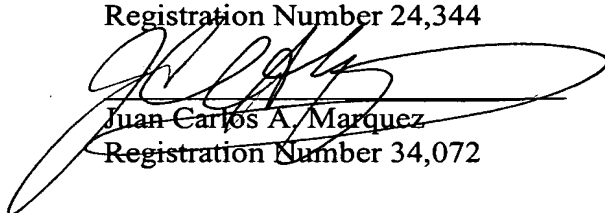
Claim 20 was objected to on the ground of a typographical error. Claim 20 is being amended to correct the typographical error pointed out by the Examiner. Accordingly, withdrawal of this objection is respectfully requested.

Favorable consideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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November 20, 2006
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